

## REMARKS

Claims 1 – 71 continue to be in the case.

### RESPONSE TO DETAILED ACTION

#### *The Office Action refers to the Drawings.*

The drawings were received on May 5, 2005. These drawings are not acceptable. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicatina the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

A response to the drawing requirement was filed on September 7, 2007 with the United States Patent and Trademark Office.

#### *The Office Action refers to Response to Amendment.*

The examiner acknowledges the amendments made to claims 1,2,8 and 9. Claims 26-71 have been added.

***The Office Action refers to Claim Objections.***

Claims 26-68 are objected to because of the following informalities: The claims have been labeled as "previously presented". Claims 26-68 have not been previously examined and must be labeled as "new". Appropriate correction is required.

As requested in the Office Action, claims 26 to 68 have been labeled as "new" in the present amendment.

***The Office Action refers to Claim Rejections - 35 USC §112.***

Claim 3-6,8,9,11 stand rejected under 35 U.S.C. 112 as being indefinite. The claims are replete with features lacking sufficient antecedent basis. For example:

- Claim 3 recites "the winning values" in line 7 of the claim.
- Claim 3 recites "the intermediate state" in line 13 of the claim.
  - Claim 8 recites "the entertainment automats are networked together" in lines 1-2 of the claim. Claim 7, from which claim 8 depends, recites only one entertainment automat, therefore there is lack of antecedent basis for multiple automats as recited in claim 8.
  - Claim 9 recites "the coin actuated automats disposed in the network". There is lack of antecedent basis for multiple automats as well as for a network.
  - Claim 10 recites "monitoring the total playing time" in line 4 of the claim, and later recites "the complete game time" in line 5. The examiner is interpreting these to be the same, however there is insufficient antecedent basis for either limitation in the claims.
- Claim 11 recites "the card storage" in line 5 of the claim.

The examiner requests that the applicant review all claims to ensure antecedent basis for all disclosed limitations.

***The Office Action refers to Claim Rejections - 35 USC § 103.***

**Claims 1-69,71 stand rejected under 35 U.S.C. 103(a) as being obvious over Gauseimann (WO 97/49073) in view of Walker et al. (US 6,248,016 B1).** For purposes of this action, Examiner will use the patent (USPN 6,089,980), which is a translation of the PCT publication. All citations will be made with reference to locations in the US Patent.

Applicant fails to find any reason in the Office Action for the rejection of claims 14, 32, 53, 54, 60 and 62.

Regarding claims 1,27,34-46 Gauseimann teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col. 6, 10); displaying symbols on a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig. 1 shows several symbols displayed on a display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game - this is how slot machines operate). Gauseimann teaches controlling

the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216). Gauselmann teaches renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached, and accumulating the obtained winnings in the credit balance counter- i.e., Gauselmann teaches determining a winner and paying winnings like any other slot machine.

Gauselmann does not teach influencing the course of the game by an operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. This is simply a description of the notoriously well known game of draw poker. In draw poker, the player uses controls on the console to determine which cards to hold. This is influencing the course of the game by an operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol. Walker teaches draw poker (abstract). Draw poker machines are among the most popular gaming machines in the industry. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the slot machine of Gauselmann in view of the draw poker feature of Walker to influence the course of the game by an operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known

popularity of draw poker. Further, the inventions are analogous in that they are both slot machines in the player entertainment field of endeavor.

Applicant respectfully disagrees.

Applicant respectfully submits that the present network of entertainment automats is not a draw poker machine as taught by Walker et al. in US Patent 6,248,016 B1. The last clause of claim 1 of Walker et al. reads: “determining a payout based at least upon the quantity of draw cards provided.”. There is no teaching or suggestion in Walker et al. that the video poker of Walker et al. could be applied to a network of entertainment automats. There is also no teaching or suggestion in the Gauselmann reference, that the network of gambling machines would be suitable to play video poker. There is no suggestion in the references Gauselmann and Walker et al. as to how video poker would look on a network of gambling machines.

Claim 1 of the present application requires: “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached”. This feature of claim 1 of the present application is not seen in the references Gauselmann and Walker et al.

Claim 27 of the present application requires: “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached”. This feature of claim 27 appears to be absent from the references Gauselmann and Walker et al.

Claim 34 of the present application requires: “activating a game time (37) of the active entertainment automat if it is determined that a special symbol combination (49) has been reached;

randomly drawing all cards (38) of the active entertainment automat;”

These features of claim 34 of the present application are not taught or suggested by the references Gauselmann and /or Walker et al.

Claim 35 of the present application requires:

“returning process to determining if the game time is ended (30) in case it is determined that no key was depressed;”. It is believed that this feature of claim 35 is absent from the teaching of Gauselmann and/or Walker et al..

Claim 35 of the present application further requires:

“returning process to randomly drawing all cards (38) of the active entertainment automat”. This feature of claim 35 is neither part of the Gauselmann reference nor part of the Walker et al. reference.

Claim 36 of the present application requires:

“randomly drawing all cards (38) of the active entertainment automat;”.

This feature of claim 36 does not appear to be part of the references Gauselmann and/or Walker et al.

Claim 37 of the present application reads in part:

“returning process to randomly drawing all cards (38) of the active entertainment automat”. This feature of claim 37 is not part of the references Gauselmann and/or Walker et al.

Claim 38 of this application reads:

“returning process to inserting payment (36) if it is determined that no jackpot amount has surpassed the jackpot release value (52);”. and

“determining if a game time has ended (39) at the slave entertainment automat;”

These features of applicant’s claim 38 are not part of the teaching of the references Gauselmann and/or Walker et al..

Applicant’s claim 39 in part reads:

“determining if a key is depressed (40) in case it was determined that the game time had not been ended;” and

“actualizing an intermediate state (44);”, and

“determining if a Royal Flush (45) has been reached;”.

These features of applicant’s claim 39 are not seen in the references Gauselmann and/or Walker et al.

Claim 40 of the instant application requires in part:

“returning process to inserting payment (36) if it is determined that no jackpot distribution game has been started (59);” and “randomly drawing all cards (38) of the active entertainment automat;”.

These features do not appear to be part of the teaching of the references Gauselmann and/or Walker et al.

Claim 41 of this application requires in part:

“determining if a key is depressed (40) in case it was determined that the game time had not been ended;” and “returning process to determining if the game time is ended (30) in case it is determined that no key was depressed;”. These features of claim 41 are not part of the teaching of the references Gauselmann and/or Walker et al.

Claim 42 of the instant application requires:



“determining if a predetermined number (x) of games have been performed if it is determined that the jackpot amount has surpassed the jackpot release value (52);”. This feature of claim 42 patentably distinguishes claim 42 over the references Gauselmann and/or Walker et al.

Claim 43 of this application reads in part:

“starting the slave entertainment automat with the jackpot game (63) if it is determined that a predetermined number (x) of games have been performed;” and “returning process to determining if the key is depressed (40) in case it is determined that no key was depressed;”. These features are deemed to distinguish claim 43 over the references Gauselmann and/or Walker et al.

Claim 44 requires in part the following feature:

“determining if a predetermined number (x) of games have been performed if it is determined that the jackpot amount has surpassed the jackpot release value (52);”. This feature is believed to distinguish claim 44 over the references Gauselmann and/or Walker et al.

Claim 45 of the instant application requires:

“activating a game time (65) by the master entertainment automat if it is determined that a predetermined number (x) of games have been performed;” and “randomly drawing all cards (66) of the active entertainment automat;” and “returning process to determining if the key is depressed (40) in case it is determined that no key was depressed;”. These steps are considered to patentably define the present invention over the references Gauselmann and/or Walker et al.

Claim 46 of the present application reads in part as follows:

“furnishing a winning value to each networked entertainment automat participating in the supplemental game , wherein the winning value corresponds to the achievements of the player during the supplemental game;” and “assigning the winning value based on the filling level of the jackpot and the ranking position of the obtained game result at the end of the supplemental game.”. These features of claim 46 appear to distinguish over the references Gauselmann and/or Walker et al.

Regarding claims 2,8,19,28,69 Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1) and simultaneously

switching the played entertainment automats into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter (col. 2, 30-37). Gauselmann teaches determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit and coordinating the winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode. This is the rank sequence determination described at col. 2, lines 39-43.

The rejection is respectfully traversed.

Claim 2 of this application reads in part as follows:

“simultaneously switching the played entertainment automats (1) into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter;” and ” determining in a game mode the entertainment automat, which has reached a highest winning value within a time window predetermined by the control unit; “ and ”coordinating the highest winning value to that entertainment automat, which entertainment automat has

reached the highest winning within the time limited game mode.”. It is believed that these steps patentably distinguish claim 2 over the references Gauselmann and/or Walker et al.

Claim 8 of the present application in part requires the following step:

“upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter,”. No such step is ascertained by the references Gauselmann and/or Walker et al.

Claim 19 of the instant application requires the following feature:

“wherein a predetermined winning combination or a predetermined winning value is reached in the base game, whereupon a supplemental game is activated upon a trigger value on the first entertainment automat and on the second entertainment automat.”

The reference Gauselmann does not furnish a predetermined winning combination or a predetermined winning value. The reference Walker et al. does not provide for any supplemental games. Thus claim 19 clearly defines the invention over the references applied.

Claim 28 of the present application requires the following features:  
“determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit;” and “coordinating the winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode”. These steps of claim 28 clearly distinguish the present invention over the references Gauselmann and/or Walker et al.

Claim 69 of the present application in part reads as follows:  
“determining a part of the jackpot value depending on the game result in the bonus game;”. Such a determination as required in claim 69 is not provided in the teaching of the references Gauselmann and/or Walker et al.

Regarding claims 3,11,13,15,18, Gauselmann teaches the invention substantially as claimed. Gauselmann teaches a timed game or series of games (col. 2, lines 37-39). Gauselmann fails to teach the details of draw poker- drawing cards, determining if the card are a winning hand, indicating which cards to hold, drawing new cards for discarded cards, etc. As noted above, these details are a conventional part of the draw poker game taught by Walker.

Claim 3 of the present application requires:

“randomly drawing all cards; “, and ”determining if a game time has ended;  
“ and ” determining if a key has been depressed in case the game time has  
not yet ended;”, and ”determining if the depressed key is a hand out key or a  
hold key in case a key had been depressed; ”. These steps of claim 3 are not  
a part of the teaching of the references Gauselmann and/or Walker et al. and  
in particular these steps are not found in the Gauselmann reference in  
column 2, lines 37 to 39.

Claim 11 of this application reads in part as follows:

“holding the winning symbols displayed with the symbol display device  
upon remaining of a residual game time in the following by activation of an  
operational element; “. This step of claim 11 is not found in the Gauselmann  
reference in column 2, lines 37 to 39.

Claim 13 of this application reads in part as follows:

“randomly determining winning symbols by a control unit during a total game time;”. This step is not recognized in the reference Gauselmann, column 2, lines 37 to 39 indicated in the Office Action.

Claim 15 of this application reads in part as follows:

“checking in a branching block if an operational element disposed on the front side of the entertainment automat was actuated in case of a presence of remaining residual game time; “, and ”checking in case of actuation of the operational element which operational element was actuated; “, and “performing a return from the first branching block to a second branching block in case of a non-reaching of the maximum winning value;”. None of these steps of claim 15 is seen in the indicated reference Gauselmann, column 2, lines 37 to 39.

Claim 18 of this application reads as follows:

“checking which operational element was actuated in case of an actuation of an operational element; “, and ”performing a return from a first branching block to a second branching block in case of a non-reaching of the maximum winning value; “, and ”throwing out all up to now held cards by

actuating the entry block; “. These features and steps of claim 18 are not found in the indicated reference Gauselmann, column 2, lines 37 to 39.

Regarding claims 4,12,36 Gauselmann teaches determining if a special symbol combination or a jackpot winning value has been reached after inserting payment into the automatic entertainment automat. This is the jackpot trigger value discussed in col. 2, lines 31-37.

Claim 4 of the present application requires the following step:

“determining if a special symbol combination or a jackpot winning value has been reached after inserting payment into the automatic entertainment automat.”. The Office Action refers to this claim 4 with the reference Gauselmann, column 2, lines 31 to 37. It is observed that the reference Gauselmann does not refer to a “special symbol combination” in column 2, lines 31 to 37. Thus claim 4 clearly defines a step patentable over the references Gauselmann and/or Walker et al.

Claim 12 of the present application requires the following step:

“determining in a branching block if a preset jackpot winning value has been reached or surpassed for a predetermined symbol combination.”. Thus claim 12 requires that a jackpot winning value is preset and then surpassed for a predetermined symbol combination. No predetermined symbol



combination is mentioned in the reference Gauselmann, column 2, lines 31 to 37.

Claim 36 of the present application requires the following step:

“determining symbol combinations randomly in case of a credit balance state exhibiting a game stake in the credit balance counter of the entertainment automat; “. The Office Action rejects claim 36 based on the reference Gauselmann, column 2, lines 31 to 37. However the reference Gauselmann does not mention randomly determining of symbol combinations. Therefore claim 36 defines the present invention over the reference Gauselmann.

Regarding claims 5,21,30,31 Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1). Gauselmann teaches determining which one of the entertainment automats assumes a master function and determining which one of the entertainment automats assumes a slave function (col. 7, lines 13-18). Gauselmann teaches determining if a jackpot filling level has reached a predetermined release amount, starting a jackpot game at the entertainment automat

performing the slave function, waiting until the slave is ready, activating the game time for the entertainment automats, randomly drawing all cards (i.e. playing one or more games), determining if a game time has ended, collecting the game results of the slave entertainment automat in the master entertainment automat, distributing of the game results to the slave entertainment automat by the master entertainment automat (col. 4, lines 64-col. 5, line 5), calculating of the winning amount, and displaying the winning amount (col. 8-9).

Claim 5 of the present application defines thee following steps amongst others:  
“randomly drawing all cards; “, and ”determining if a game time has ended;  
“, and ” collecting the game results of the slave entertainment automat in the master entertainment automat; “.

Claim 5 stands rejected over the reference Gauselmann, column 7, lines 13 to 18, column 4, lines 64 to column 5 line 6, and columns 8 to 9. Nowhere is suggested in the reference Gauselmann to draw all cards as is required according to claim 5.

Claim 21 of the instant application requires the following features:

“ wherein the entertainment automat performing the master function drives the supplemental game which is performed on the first entertainment automat and on the second entertainment automat.”.

It is respectfully urged that the reference Gauselmann fails to teach that the entertainment automat performing the master function drives the supplemental game and therefore claim 21 is clearly patentable.

Claim 31 of the instant application in part reads as follows:

“entertainment automat performing the master function drives the supplemental game”.. According to the reference Gauselmann, column 4, line 64, to column 5, line 4:”During the operating of a gambling machine in a master function, this master gambling machine continuously requests the slaves to deliver game results present in an immediate memory storage, completes the protocol recorded by the master gambling machine and in the following actualizes the slave gambling machines and, for example furnishes the data required for the jackpot game to the slave gambling machines.”. Applicant respectfully submits that actualization as taught by the reference Gauselmann is clearly less than the “driving” required according to claim 31 of the present application.

Regarding claim 6, Gauselmann discloses teaching a readiness signal to the master entertainment automat and waiting by the slave entertainment automat for an activation of the game time through the master entertainment automat (col. 7-8).

Claim 6 of the present application requires the following steps: “sending a readiness signal to the master entertainment automat; waiting by the slave entertainment automat for an activation of the game time through the master entertainment automat.”.The reference Gauselmann does not appear to call for a “readiness signal” or for an “activation of a game time” as required according to claim 6 of the present application..

Regarding claim 7, see claims 1,3 and 4.

Claim 7 of the present application contains the following clause:

“wherein the symbols can be renewed within a predetermined time window, until a winning carrying symbol combination is reached,”

The renewal of symbols as claimed in claim 7 is clearly not suggested in the references Gauselmann and/or Walker et al.

Regarding claim 9, see claims 1 and 2.

Claim 9 of this application in part states:

“wherein, upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance in a credit balance counter

disposed on the side of the control unit, a symbol combination is successively displayed with the symbol display device;”, and ”controlling the course of the game with a control unit including a microcomputer and a pseudorandom number generator;”, and ”renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached; “.

Applicant urges that the features of claim 9 of the instant application are patentably different from the Gauselmann reference.

Regarding claim 10, Gauselmann discloses monitoring a credit balance state with the first operational block exhibiting a game stake, i.e. a credit meter (Fig. 1, 3), monitoring the total playing time (col. 8, lines 30-39), determining winning symbols during the complete game time by a control unit, illustrating and displaying the randomly determined winning symbols with a symbol display device (i.e. how any slot machine functions), and determining a remaining residual game time (col. 8, lines 65-66). As previously discussed, Walker discloses operational elements furnished on the front side of the entertainment automat.

Claim 10 of the present application reads in part as follows:

“monitoring a total playing time by a second operational block; randomly determining winning symbols during a complete game time by a control unit; “, and ”activating a first branching block by a third operational block for determining the remaining residual game time; “, and ”determining in a second branching block in case of a presence of remaining residual game time, if an operating element furnished on the front side of the entertainment automat has been actuated; performing a return to the first branching block in case of an absence of an operating element activation.”.

These steps clearly distinguish claim 10 from the references Gauselmann and Walker et al.

Applicant is working on a Supplemental Response to be filed promptly.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present amendment is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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